

VZCZCXRO0457  
OO RUEHBZ RUEH DU RUEHMR RUEHRN  
DE RUEH KI #0328/01 0961234  
ZNY CCCCC ZZH  
O 061234Z APR 09  
FM AMEMBASSY KINSHASA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9433  
INFO RUEHXR/RWANDA COLLECTIVE  
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE  
RUEAIIA/CIA WASHDC  
RHEFDIA/DIA WASHDC  
RHMFISS/HQ USEUCOM VAIHINGEN GE  
RUZEJAA/JAC MOLESWORTH RAF MOLESWORTH UK

C O N F I D E N T I A L SECTION 01 OF 02 KINSHASA 000328

SIPDIS

E.O. 12958: DECL: 04/06/2019

TAGS: [PREL](#) [PGOV](#) [CG](#)

SUBJECT: TUTSI POLITICIAN RUBERWA CONCERNED THAT FAILURE TO  
PASS AMNESTY LAW COULD RESULT IN RESUMPTION OF FIGHTING IN  
THE EASTERN CONGO

REF: KINSHASA 319

Classified By: Ambassador William J. Garvelink for reasons 1.4 (b) and  
(d).

11. (C) Summary: During an April 2 meeting with Ambassador,  
Chairman of the Congolese Rally for Democracy Party (RCD)  
Azarias Ruberwa warned that failure by Parliament to enact an  
Amnesty Law could easily encourage CNDP elements to reject  
integration and take up arms again. Ruberwa claimed that it  
would be difficult "to pardon the entire CNDP movement  
without also pardoning ex-leader Laurent Nkunda." Until the  
amnesty question is suitably dealt with, the GOR will  
hesitate to extradite Nkunda, Ruberwa predicted. In  
Ruberwa's view, a movement towards a return to Rwandophone  
domination in North Kivu would only exacerbate tense ethnic  
relations. Ruberwa implied that his party was considering  
the possibility of joining the governing coalition (AMP), now  
that relations between Kinshasa and Kigali had improved. End  
Summary.

With no Amnesty Law, CNDP Integration in Jeopardy  
-----

12. (C) Ambassador, DCM, and PolCouns met April 2 with  
Azarias Ruberwa, Chairman of the Congolese Rally for  
Democracy Party (RCD), to discuss the situation in the East.  
Ruberwa stressed that the Senate's decision that same day to  
not accept the National Assembly's draft Amnesty Law (reftel)  
could have very serious consequences. Many young CNDP  
recruits, Ruberwa noted, had agreed to integrate into the  
FARDC believing that members of the rebel group would enjoy  
amnesty under the law. In fact, this had been one of the  
more contentious issues leading up to the March 23 GDRC-CNDP  
Agreement. Without the prospect of amnesty, many CNDP  
elements will certainly take up arms again, Ruberwa  
predicted. A National Assembly-Senate joint commission will  
now try to work out acceptable wording. If a compromise is  
impossible, the National Assembly will decide on the final  
text, in accordance with the constitution.

13. (C) Comment: The crux of the disagreement on the law  
centers between those who advocate a more restrictive amnesty  
(crimes of insurrection, acts of war) and those who favor a  
general amnesty (covering crimes against humanity, war  
crimes, and genocide). The CNDP, but also some other  
political actors, generally support a broader amnesty to  
ensure that all of its elements are covered. The political  
class that hopes to ultimately prosecute Nkunda naturally  
prefers a more restrictive reading of the amnesty. There is  
also a geographical dynamic to this question, with some  
parliamentarians arguing that the law should be within the  
framework of the Goma Accords, i.e. only for crimes in the  
East. Others advocate a country-wide application.

Obviously, this is a very politically loaded discussion that cuts across various issues (CNDP integration, possible extradition of Nkunda, the 2007 MLC-GDRC fighting in Kinshasa, and civil unrest in Bas-Congo in 2007 and 2008).  
End comment.

Nkunda  
-----

14. (C) Ruberwa said that the amnesty question was inextricably linked to the fate of Nkunda. How could, Ruberwa asked, the GDRC pardon all of the CNDP except Nkunda?

The GDRC would have to move beyond the existing charge of insurrection to develop a case that Nkunda committed a more serious crime, e.g., a war crime. Pointing to Nkunda's attack on civilians in Bukavu in 2004, Ruberwa argued that some on the other side, especially FARDC General Felix Mbuza Mabe, were also guilty of atrocities. The same standards should be applied to all.

15. (C) Responding to a question about a possible extradition of Nkunda, Ruberwa said he doubted the Rwandans would allow Nkunda to be extradited. Ruberwa said that, during a December 2008 meeting, Kagame had clearly stated that he had lost all confidence in Nkunda. Recalling this conversation, Ruberwa claimed he had not been greatly surprised by Nkunda's arrest. In any case, Nkunda has been completely neutralized politically and militarily. Ruberwa characterized Kabila's decision to initiate a rapprochement with Kigali as courageous, adding that the "path to peace always leads this way."

KINSHASA 00000328 002 OF 002

Rwandophone Solution Would Aggravate Tensions  
-----

16. (C) While he welcomed the GDRC-CNDP Agreement, Ruberwa warned that peace needed to be consolidated. The biggest challenge would be to manage the CNDP's military integration into the FARDC. While the GDRC claims that this has already been accomplished, Ruberwa said that it could still unravel. Regarding efforts to impose Rwandophone domination on North Kivu, through a decoupage of the Grand Nord and Petit Nord, Ruberwa expressed doubts about the ultimate viability of such a project. A "Rwandophone solution" would simply aggravate ethnic tensions, and could possibly lead to renewed conflict.

RCD to Join Government Coalition?  
-----

17. (C) Asked about rumors that the RCD would soon join the government coalition (AMP), Ruberwa claimed that the RCD had never excluded cooperation with the AMP. The problem, according to Ruberwa, had always existed on the AMP side, with many believing that the RCD would be a Rwandan Trojan Horse within the government. In the not so distant past, abila, in Ruberwa's opinion, would have been severely criticized in the East for any cooperation with the RCD. Now, political dynamics had changed. Ruberwa opined that the RCD would be a good fit in the GDRC, based on its support in the Goma area (Comment: We are not sure how much actual support the RCD still enjoys in North Kivu. End comment).

Kengo: A Wily Politician  
-----

18. (C) Commenting on parliament, Ruberwa pointed to Senate President Leon Kengo wa Dondo as a figure that had survived years of tumultuous Congolese politics to emerge as the DRC's true elder statesman. Kengo, who served three times as Prime Minister under Mobutu, was a survivor. For example, Ruberwa recounted how, against Kabila's wishes, Kengo was elected Senate President with the votes of opposition, but also votes from AMP senators (Note: Kengo defeated AMP candidate Leonard She Okitundu 55 votes to 49 votes in May 2007. End

Note). Ruberwa said that Kabila had quipped that Kengo, who was not from his coalition, was more reasonable than the National Assembly President, Vital Kamerhe, who belonged to the AMP and whose quarrels with Kabila led to a protracted power struggle between the two men with Kamerhe resigning as head of the National Assembly on March 25.

19. (C) Comment: It is uncertain how much influence Ruberwa maintains on the North Kivu provincial political scene, much less on the national level. Caught uncomfortably between Kigali and Kinshasa for years, Ruberwa probably senses an opening with improved GDRC-GOR relations. With Kamerhe's resignation, he also wants to claim the mantle of the Government's leading spokesman for the Kivus, hence his willingness to join the AMP. He may also be angling to hitch on to some kind of newly-created CNDP political movement. Ruberwa is surely correct that any Amnesty Law which does not extend amnesty fairly broadly, will open a Pandora's box and risk complicating CNDP military integration. End comment.  
GARVELINK